

# Notice of Allowability

Application No.

09/823,833

Examiner

Kim Nguyen

Applicant(s)

LEMAY ET AL.

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on August 26, 2004.

2. ☒ The allowed claim(s) is/are 37-58 Now renumbered as 1-22.

3. ☒ The drawings filed on 30 March 2001 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Justin White on December 12, 2004.

The application has been amended as follows:

#### IN THE CLAIMS:

- a) In claim 39, line 4, insert --said-- before "new operating code".
- b) In claim 44, line 3, insert --said-- before "new operating code".
- c) In claim 46, last line, insert --the-- before "operation".
- d) In claim 52, line 3, insert --said-- before "resident code".
- e) In claim 52, line 4, insert --said-- before "new operating code".
- f) In claim 54, line 2, insert --said-- before "respective new operating code".
- g) In claim 55, line 1, replace "(withdrawn)" with --(previously presented)--
- h) In claim 56, line 1, replace "(withdrawn)" with --(previously presented)--
- i) In claim 57, line 1, replace "(withdrawn)" with --(previously presented)--
- j) In claim 58, line 8, insert --said-- before "new operating code".
- k) In claim 58, line 10, insert --a-- before "complete operation".

### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Prior arts of record do not disclose a method of providing operating code to a peripheral device of a gaming machine as set forth in claims 37, 46, 55, and 58. Specifically, the method comprises initiating operation of the gaming machine; transmitting a first signal from the peripheral device to the gaming machine controller; transmitting new operating code to the peripheral device in response to the first signal, the new operating code controls the operation of the peripheral device and contains a portion of code that is different from any operating code previously used by the peripheral device; storing the new operating code at the storage device of the peripheral device; and executing the new operating code to enable the operation of the peripheral device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### REMARKS

In view of the applicant's request for reconsideration on August 26, 2004, the restriction issued on May 27, 2004 is hereby withdrawn. Claims 55-57, previously withdrawn from consideration as a result of the restriction requirement, are hereby reinstated and fully examined for patentability.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET. The central official fax number is (703) 872-9306.

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Date: December 3, 2004

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**